



CASS COUNTY JAIL

Annual Report Prison Rape Elimination Act (PREA)

2020

Submitted by:

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Cass County Sheriff's Office – Mission Statement

In partnership with our neighbors, we proudly serve and protect. With unequivocal compassion, dedication, and commitment to excellence, we foster a safe community for all.

Cass County Jail – Mission Statement

It is the mission of the Cass County Jail to provide a safe and secure confinement for lawfully committed inmates or detainees in compliance with standards set forth by the North Dakota Century Code and the North Dakota Administrative Jail Rules. The primary goal of the jail will be to provide for the safety of Cass County citizens by detaining lawfully committed inmates in the most efficient and cost-effective manner possible.

The jail will be managed in a manner that will foster a positive atmosphere between staff and the inmate population, with the expectation that mutual respect will be given at all times. This will be accomplished by employing well-trained and motivated jail staff, maintaining a safe and secure physical plant, and providing inmate programs that will offer an opportunity to prepare for eventual reintegration into the community. Inmates will be held accountable for their actions, and incentives for good behavior will be provided through a classification system that rewards positive behavior. We will strive toward the goal that inmates will leave this facility in at least the same, and preferably better, condition as when they arrived.

Purpose Statement

The Prison Rape Elimination Act (PREA) requires the Cass County Jail to prepare and publish an annual report on efforts to prevent and respond to sexual abuse and sexual harassment of inmates. The standards established by PREA can be found in the U.S. Code of Federal Regulations 28 C.F.R Part 115.

PREA was signed into law in 2003, and the final rule establishing PREA Standards was published in 2012. These standards were written with the intent of eliminating sexual abuse and sexual harassment of persons incarcerated or held in alternative confinement throughout the United States.

The Cass County Jail is a Grade 1 Facility as established in Facility Standards published by the North Dakota Department of Corrections and Rehabilitation and is therefore subject to the specific PREA Standards established for Adult Prisons and Jails. Per those standards, the Cass County Jail has adopted all required elements that pertain to preventing, detecting, responding, training, investigating, and reporting all allegations of sexual abuse and sexual harassment.

The Cass County Jail has established a comprehensive PREA program to establish and maintain compliance with the published standards and has adopted a Zero Tolerance Policy for any form of sexual abuse and sexual harassment within the jail facility. All employees, volunteers, contracted service providers (collectively referred to as "Staff"), guests of the facility, and persons incarcerated within the facility are held accountable to the PREA Standards, and all are provided with varying levels of training and education to establish their various roles and responsibilities under PREA.

Reporting Options

The Cass County Jail will accept and investigate any allegation that PREA Standards have been violated. Such allegations can be made by any inmate, by any staff member, and by any third party.

Upon intake to the facility, inmates are provided with several options for reporting sexual abuse and sexual harassment. Staff are provided with multiple options for reporting, and the general public is notified of options via the county website and literature available at the jail.

Inmates may report PREA allegations in the following ways:

- 1. Verbally, by telling any staff member.*
- 2. In writing, by submitting any one of several different forms such as inmate requests, grievances, or simply a note/letter on plain paper.*
- 3. Via Phone Hotline, using the inmate phones with a designated shortcut code which bypasses the standard pin# entry, and provides a free option for leaving a recorded message that is accessible only by designated staff.*
- 4. Via a 3rd Party, by requesting any other person to report an allegation on their behalf.*
- 5. To an outside agency. Inmates may contact the local Rape and Abuse Crisis Center free of charge, to speak confidentially with an advocate. Inmates can also report allegations to the ND Department of Corrections and Rehabilitation or the US Marshals Service, with contact information for both entities posted in all inmate housing areas.*

Facility Staff are mandated to report allegations, observations, and suspicions of conduct which violates our PREA Policy, and can do so in the following ways:

- 1. By reporting immediately to a facility supervisor.*
- 2. By reporting directly to the PREA Coordinator or the Jail Administrator.*
- 3. By reporting directly to the Office of Professional Standards.*
- 4. By reporting directly to the ND Department of Corrections and Rehabilitation.*

The general public can report allegations using any of the staff reporting options and can also report using an email link posted on the county website that links directly to the PREA Coordinator.

All reports and allegations can also be made anonymously.

Processing of Allegations

When an allegation is received, the first priority is to take whatever immediate action is necessary to protect the alleged victim. The PREA Coordinator will be notified of all allegations as soon as possible, regardless of the initial method used to make an allegation.

In cases where sexual abuse is alleged, and is recent, the alleged victim will be provided with access to appropriate medical care without delay. Victims will be offered the services of sexual abuse advocate throughout the response and investigation process.

Where allegations involve a potential criminal violation committed by another inmate, a volunteer, or a contracted service provider, a criminal investigation will be conducted as a priority, with the case referred to the Cass County Sheriff's Office.

Where allegations involve a potential criminal violation committed by an employee, the matter will be referred to an outside law enforcement agency for criminal investigation.

If the allegation does not involve a criminal violation, but a violation of policy committed by a staff member, the matter will be referred to the Office of Professional Standards as a priority. Once that investigation is concluded, a PREA Investigation will proceed.

If the allegation does not involve a criminal violation and the misconduct was committed by another inmate, a PREA Investigation will proceed without delay.

Criminal and OPS investigations are prioritized so that potential criminal prosecutions and staff misconduct investigations will not be compromised, and to prevent those investigations from conflicting with each other. Any information obtained during a criminal investigation, or an OPS investigation, can be considered

during the PREA investigation. The burden of proof to substantiate a PREA allegation is Preponderance of the Available Evidence.

While all substantiated PREA allegations involving criminal conduct are referred to the State's Attorney, the decision to prosecute is solely at their discretion and will be based on established evidentiary standards for criminal matters.

Summary of Actions and Achievements

The Cass County Jail completed its second audit in December of 2019, and a final report was issued in May of 2020. This was the second full PREA Audit of the Cass County Jail, and we are pleased to report that we were again found to be 100% compliant with the PREA Standards. Such audits are required during every three-year cycle as established by the U.S. Department of Justice. Audits are conducted by specially trained and certified PREA Auditors, who must be independent and not previously involved in any other matters involving the facility they are inspecting.

In 2019, the existing camera surveillance system was upgraded to High Definition digital, and the data storage system was also upgraded. During 2020, we completed the installation of on-site monitoring stations for cameras in the housing units, and also began the process of installing approximately 60 additional cameras. This upgrade was expected to be completed during the fall of 2020, but it was delayed due to the unforeseen COVID epidemic, and the need to maintain protective measures and limit access within the secure area of the facility.

The 2020 calendar year began with the jail publishing and utilizing some upgraded PREA screening tools, which were improved based on collaboration with our PREA Auditor. Those upgrades and revisions were put into use in February, and completed examples were reviewed by randomized auditing prior to the final PREA Audit Report being issued.

In late February, we began planning for contingencies based on trending reports of COVID-19 spread, and by Mid-March the jail had determined and implemented enhanced protective measures and screening processes for all new arrival inmates, as well as symptom monitoring for signs of COVID for all inmates and staff. While none of these measures impacted our PREA operational plan, we did modify our intakes screening practices to ensure compliance. All new arrivals to

the facility were initially isolated and tested for COVID-19, with confirmed negative status being required before movement into general population. Because of this, we did implement some modified practices to our screening, interviewing, and educational components so that those elements were completed at a one-on-one level. Verbal acknowledgements were obtained, with staff documenting confirmations and responses from inmates, due to concerns about cross contamination from surfaces and exchange of paper forms.

Due to the COVID Pandemic, the jail experienced a brief period lasting just over two months with a significantly reduced population, less than half of normal, which was attributed to a near shutdown of all local businesses, as well as the local court system. In June, things started opening up again, and by late July, the jail was back at its normal average daily population.

Of particular interest is that the jail operated most of 2020 with restrictions on the charges that we were willing to accept into custody, in order to maintain our ability to adequately isolate all new arrivals. Most misdemeanor arrests, including warrants, were not booked into jail during 2020, which resulted in most of the people in jail being in for more serious offenses. 2020 saw an increase in the number of persons being held for violent crimes against others, which naturally led to an increase in our PREA Risk Scores overall. However, when comparing the reporting and investigation results for 2020 with the data from years prior, we did experience a significant reduction in reported incidents in all categories, and results show that there were zero substantiated claims for allegations filed in 2020.

Data regarding allegations received during 2020, sorted by determined outcome of each type of allegation, can be found on the following pages.

CASS COUNTY JAIL – PREA STATISTICAL DATA 2020

§115.89 Data Storage, Publication, and Destruction

The following data is published, with all identifying information removed, for the purposes of compliance with PREA reporting requirements. This data is public information available upon request and intended to be published on the facility website.

Each investigation must be listed as one of four outcomes:

Substantiated - which is a determination that the allegation did occur;

Unsubstantiated - which is a determination that insufficient evidence exists to determine whether or not the event occurred;

Unfounded - which is a determination that confirmation exists that the alleged conduct did not occur (or was not PREA reportable conduct);

Ongoing Investigation - which is a determination that the case is still under investigation and a final determination has not yet been made.

TOTAL ALLEGATIONS SUBMITTED IN 2020

Inmate on Inmate Sexual Harassment Allegations = 12 total

Substantiated	0
Unsubstantiated	6
Unfounded	6
Investigation Ongoing	0

Inmate on Inmate Sexual Abuse Allegations = 2 total

Substantiated	0
Unsubstantiated	2
Unfounded	0
Investigation Ongoing	0

Staff on Inmate Sexual Harassment Allegations = 1 total

Substantiated	0
Unsubstantiated	0
Unfounded	1
Investigation Ongoing	0

Staff on Inmate Sexual Abuse Allegations = 0 total

Substantiated	0
Unsubstantiated	0
Unfounded	0
Investigation Ongoing	0

Reporting to Other Facilities

§115.63 of the PREA Standards requires that:

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.*
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.*
- (c) The agency shall document that it has provided such notification.*

There was 1 allegation in 2020 by a Cass County Jail inmate alleging to have been sexually abused in another facility where that abuse had not already been previously reported and investigated.